

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

|   |   |                                      |
|---|---|--------------------------------------|
| <b>PHILIP BENHAM,</b>                       | ) |                                      |
|   | ) |                                      |
| Plaintiff,                                  | ) |                                      |
|   | ) |                                      |
| v.  | ) | Civil Action No. 3:19-cv-911-HTW-LGI |
|   | ) |                                      |
| <b>CITY OF JACKSON, MISSISSIPPI</b>         | ) |                                      |
| and <b>JAMES E. DAVIS</b> , in his official | ) |                                      |
| capacity as Chief of Police for Jackson     | ) |                                      |
| Police Department,                          | ) |                                      |
|   | ) |                                      |
| Defendants.                                 | ) |                                      |

---

**DECLARATION OF STEPHEN M. CRAMPTON, ESQ. IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES**

---

I, Stephen M. Crampton, hereby declare under oath as follows:

1. I am over the age of 18 and am submitting this Declaration on behalf of Plaintiff Phillip Benham and in support of Plaintiff's Motion for Attorney's Fees. The statements in this Declaration are true and correct and if called upon to testify to them I would and could do so competently.

2. I am Senior Counsel with Thomas More Society, a national public interest law firm dedicated to life and religious liberty issues. The main office for Thomas More Society is in Chicago, Illinois, but I maintain an office in Tupelo, Mississippi. Previously, I spent seven (7) years as the Vice President for Legal Affairs and General Counsel at Liberty Counsel (all the while residing in Tupelo, MS), and before that I served many years as Chief Counsel of the American Family Association Center for Law & Policy, also located in Tupelo, Mississippi.

3. I have been practicing law since 1984, after receiving my *juris doctor* degree from the University of New Mexico School of Law. I spent the first nine years of my career in private practice (including at the predecessor of Baker Donelson), focusing on insurance defense, employment law, and complex civil litigation.

4. For the past twenty-eight (28) years, I have specialized in constitutional law, and specifically First Amendment litigation.

5. I have litigated dozens of constitutional cases in courts across the United States, which have resulted in well over one hundred published opinions. I have authored many amicus briefs before the Supreme Court, have taught advanced civil litigation, and have spoken as an expert on constitutional issues before national audiences. I am admitted to practice in Mississippi, Tennessee, and Texas, and was, until voluntarily withdrawing my bar this month, also licensed in New Mexico. I am also licensed before the United States Supreme Court, the Northern and Southern Districts of Mississippi, and numerous other federal district courts and circuit courts of appeal.

6. I have litigated First Amendment cases in federal court in both the Southern and Northern Districts of Mississippi, and am familiar with the range of hourly rates in the Southern District for attorneys practicing in this area of the law. My usual hourly rate for similar work is \$425 per hour.

7. I have argued cases in the Second, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and D.C. Circuit Courts of Appeal, and filed briefs in cases in the First and Third Circuits as well. I have litigated or been involved in cases in some 44 states, the District of Columbia, and Puerto Rico.

8. I have known and worked with Nathan Kellum on several cases over a period of more than two decades, all of which involved the First Amendment rights of individuals. I am also familiar with his experience and reputation. Based on personal knowledge, I know Mr. Kellum to be a highly accomplished litigator and an expert on First Amendment rights in public fora. I also know Tony Mangini and his work at CRE.

9. In my opinion and based upon current market rates, an hourly rate of \$375 for Mr. Kellum and an hourly rate of \$200 for Mr. Mangini are well within the range of rates for attorneys in the Southern District with similar skill and experience.

10. I have reviewed the salient pleadings and memoranda in this case, including the motion for preliminary injunction and motion to dismiss, together with this Court's Memorandum Opinion and Order Concerning these motions.

11. I have also reviewed the time sheets of Mr. Kellum and Mr. Mangini in this case. Given the complexity of the constitutional issues presented here, I believe the hours claimed by Mr. Kellum and Mr. Mangini are reasonable under the circumstances.

12. I am also of the opinion that counsel exercised reasonable billing judgment in reducing the hours claimed where appropriate.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 29th day of December, 2021.

/s/Stephen M. Crampton  
Stephen M. Crampton